

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

INDICTMENT FOR VIOLATIONS OF  
THE FEDERAL CONTROLLED SUBSTANCES  
AND FEDERAL GUN CONTROL ACTS

UNITED STATES OF AMERICA

v.

MORRIS SMITH  
aka "ICE"  
EVERETT HORTON

\* CRIMINAL DOCKET NO:

\* SECTION:

\* VIOLATION: 18 U.S.C. § 922(g)(1)  
18 U.S.C. § 924(a)(2)  
18 U.S.C. § 922(k)  
18 U.S.C. § 924(a)(1)(B)  
18 U.S.C. § 2  
21 U.S.C. § 841 (a)(1)  
21 U.S.C. § 846

\* \* \*

The Grand Jury charges that:

COUNT 1

Beginning at a time unknown to the Grand Jury, but prior to September 23, 2008, and continuing until on or about the date of this indictment in the Eastern District of Louisiana, the defendants, **MORRIS SMITH aka "ICE"** and **EVERETT HORTON**, did knowingly and intentionally combine, conspire, confederate and agree with each other and other persons known and unknown to the Grand Jury, to distribute a quantity of cocaine base ("crack"), a Schedule II narcotic drug controlled substance in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C); all in violation of Title 21, United States Code, Section 846.

### **COUNT 2**

On or about September 23, 2008, in the Eastern District of Louisiana, the defendants, **MORRIS SMITH aka "ICE"** and **EVERETT HORTON**, did knowingly and intentionally distribute a quantity of cocaine base ("crack"), a Schedule II narcotic drug controlled substance in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and Title 18, United States Code, Section 2.

### **COUNT 3**

On or about September 23, 2008, in the Eastern District of Louisiana, the defendant, **MORRIS SMITH aka "ICE"**, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: a conviction on October 26, 2004, in Orleans Parish Criminal District Court, Case No. 451-553 "I", for aggravated battery, in violation of LA. R.S. 14:34, did knowingly possess in and affecting interstate commerce, a firearm, to wit: a Hi-Point model C9, serial number P237237, 9mm black Luger pistol; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

### **COUNT 4**

On or about September 30, 2008, in the Eastern District of Louisiana, the defendant, **MORRIS SMITH aka "ICE"**, did knowingly possess in and affecting interstate commerce, a firearm which had the importer's and manufacturer's serial number removed, obliterated, and altered to wit: a Smith & Wesson 9mm pistol; in violation of Title 18, United States Code, Sections 922(k) and 924(a)(1)(B).

### **NOTICE OF DRUG FORFEITURE**

1. The allegations of Counts 1 and 2 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of the offenses alleged in Counts 1 and 2, **MORRIS SMITH** aka "**ICE**" and **EVERETT HORTON**, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts 1 and 2 of this Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

All in violation of Title 21, United States Code, Section 853.

### **NOTICE OF GUN FORFEITURE**

1. The allegations of Counts 3 and 4 of this Indictment are realleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture to the United States of America pursuant to the provisions of Title 18, United States Code, Section 924 (d)(1) and Title 28, United States Code, Section 2461(c).

2. As a result of the offenses alleged in Counts 3 and 4, defendants, **MORRIS SMITH aka "ICE"** and **EVERETT HORTON**, shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28 United States Code, Section 2461, any firearm or ammunition, which was involved in or used in a knowing violation of Title 18, United States Code, Section(s)922 and/or 924(c)(1), as alleged in Counts 3 and 4 of the Indictment.

3. If any of the property subject to forfeiture pursuant to Paragraph 2 of this Notice of Forfeiture, as a result of any act or omission of the defendants:


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;


it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

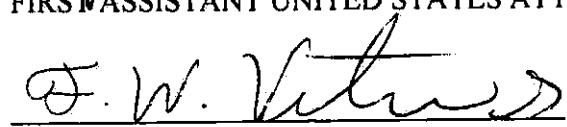
All in violation of Title 18, United States Code, Sections 922 and/or 924(c)(1) and 924(d)(1).

A TRUE BILL:

\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
JIM LETTEN #8517  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
JAN MASELLI MANN #9020  
FIRST ASSISTANT UNITED STATES ATTORNEY

  
\_\_\_\_\_  
FREDERICK VETERS #23584  
ASSISTANT UNITED STATES ATTORNEY

New Orleans, Louisiana  
January 23, 2009